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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,413	08/03/2000	Christophe Berthaud	ICB-0027	9595

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EXAMINER

WANG, JIN CHENG

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/631,413

Applicant(s)

BERTHAUD, CHRISTOPHE

Examiner

Jin-Cheng Wang

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

(1) The Declaration under 37 CFR 1.132 filed 5/27/2003 is insufficient to overcome the rejection of claim 1 based upon U.S. Pat. No. 6,137,479 as set forth in the last Office action because: the outer element having a visible display and transparent touch-sensitive sensors are well known in the art. A touch-sensitive out-element having a display with transparent substrates is well-known in the art because a display of Olsen (column 5, lines 25-64 of Olsen) having a reflective LCD inherently comprises the transparent twisted nematic liquid crystal material that are commonly present between two transparent substrates, for example glass, provided with reflecting electrodes of, for example aluminum, and light-transmissive ITO electrodes. In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of non-inherency fails to outweigh the evidence of inherency.

(2) Applicant argues in essence that the physical contact is not made between "the at least partially transparent outer element which covers the display means or forms an outer portion of these display means" and "the sensitive pads which control the movement of a cursor on a display screen". However, Figures 6 and 7 along with the meaning of "housing" as taught by Olsen all show the claimed limitation of "support" and "an outer element". Moreover, In column 6, lines 35-67 and column 7, lines 1-25 of Olsen, it is stated "the programmable computer housing 90 contains the programmable computer components (e.g., the programmable computer 86)...the programmable computer 86 has a display 104...the computer mouse housing 88 has a saddle 92 for COUPLING the programmable computer 86 to the computer mouse 84...the programmable computer housing 90 makes physical contact with the computer mouse housing 88." Figures 6 and 7 of Olsen teaches among other things the concept of "support". Therefore, Olsen teaches that the outer element (i.e., the programmable computer housing 90) covers the display means (i.e., display 104) or forms an outer portion (i.e., the programmable computer housing 90 of figure 7) of these display means (i.e., display 104), and the sensitive pads of the touch sensitive sensors (i.e., motion sensor 104) are supported at least partially by the outer element (i.e., the programmable computer housing 90). As applied to the present application, Olsen fulfills the claimed limitation that the outer element covers the display means or forms an outer portion of these display means, and the sensitive pads of the touch sensitive sensors are supported at least partially by the outer element.



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